

IN THE UNITED STATES DISTRICT COURT DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

CLARENCE ABELDGAARD,)

OCEAN VIEW ENTERPRISES, INC.,)

CLOYD MOSER, MODEB)

INVESTMENTS AND GERALDINE)

BARLING,)

Defendants.)

**AFFIDAVIT OF COUNSEL
IN SUPPORT OF MOTION FOR
ADDITIONAL TIME TO FILE
ANSWER TO COMPLAINT**

Case No. A01-378 CI (RRB)

STATE OF ALASKA)

)ss:

THIRD JUDICIAL DISTRICT)

COMES NOW, DARRYL L. THOMPSON, first being duly sworn, on oath,
deposes and says:

1. That I am the attorney of record for Geraldine Barling in the above
captioned case.

2. That this court has been very gracious in providing Ms. Barling
extensions of time within which to file an Answer in the case as the Ms. Barling
has been working tirelessly with counsel to try and come up with a
comprehensive proposal to present to the plaintiff that is both realistic and
consistent with the mandates of the governments parameters for resolution of
this case.

3. That I would like this court to know that both Ms. Barling and

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myself have been working diligently to prepare a very specific proposal consistent with the government's parameters to resolve this case.

4. That there are two main components to a proposed settlement with the Government.

5. The first is a very specific list of restoration items. The second is a Supplemental Environmental Project (SEP).

6. In an effort to fully understand the true scope of the restoration items and the SEP's, the Government has provided Supplement 1 to me which I have in turn provided to an independent contractor in the Homer area.

7. Mr. Buz Moore is the local contractor that Ms. Barling through me has been working to help identify the scope of the specific items and the costs associated with each items and is the same individual that performed the restoration work for Monab Investments and Clyde Moser in this case in their settlement with the Government.

8. That I have been on the phone with Buz Moore for literally hours over the last several weeks working with him to get a better grasp of the scope of the work that has been done, and the scope of the work that still has to be done as well as working with him to assist him in providing to us a very specific written proposal for the restoration items requested by the Government for a settlement offer.

9. Through the course of working with Mr. Moore, there have been some technical questions raised that needed to be addressed by the

Government before he could submit a line item bid on each of these items.

10. That I have spoken with Mr. Nitzczynski as of today to work out the last of the two technical items that need to be address and Mr. Moore is now in a position of being able to provide to us a very specific line item bid for each of the restoration items.

11. One of the difficulties from a practical standpoint in working on a five year performance plan for doing restoration items over that time frame is that the one of the first items that needs to be addressed from a restoration standpoint is the bridge at Stariski Creek. The initial estimated costs for the bridge restoration is between \$60,000.00 and \$70,000.00.

12. We are looking for alternative means of trying to finance the cost of this bridge including, but not limited to, seeing if there are any public entities that would be able to subsidize or assist in the financing of same. Ms. Barling is also looking to any potential resources that she has that she can either sell or trade to have this bridge work financed.

13. Mr. Moore had indicated that in order to do the restoration items deeper into the subdivision he would need the Bridge done first in order to get his equipment across it to an area deeper into the area.

14. Additionally, in attempting to get an estimate of the SEP, I had to research through the borough records for various owners of certain lots that the government is seeking to obtain a conservation easement. One of the owners I have not been able to contact and I have heard through others that this

individual is not in the State of Alaska at this time but is near Alabama or Arkansas. I am attempting through my paralegal, to track him down as he would need to be one of the first persons that would need to be contacted to see if he is willing to sell his lot and if so, for how much as it would be on the first year of line items that would need to be resolved.

15. It is for the above reasons, that Ms. Barling is requesting additional time to file an Answer to the Complaint in this matter. So that the settlement process may continue. Until I obtain the line item bid from Mr. Moore, and value of various lots and the owner's willingness to sell, I am not yet in a position to submit a comprehensive proposal to the Government.

s/Darryl L. Thompson
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